

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RAYMOND ORRAND, et al.,

Plaintiffs,

v.

CAVOTTA LANDSCAPERS, INC.,

Defendant.

Case No.: 2:13-cv-796

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth Preston Deavers

OPINION AND ORDER

This matter is before the Court on Plaintiff's unopposed Motion for Summary Judgment. (ECF No. 25.) Plaintiffs, Raymond Orrand and the Trustees of the Ohio Operating Engineers Health and Welfare Plan, Ohio Operating Engineers Pension Fund, Ohio Operating Engineers Apprenticeship and Training Fund and Ohio Operating Engineers Safety and Education Fund, move the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in their favor and against Defendant Cavotta Landscapers, Inc. for delinquent fringe benefit contributions, interest, liquidated damages, attorneys' fees and costs.

The Court has reviewed the motion and the evidence submitted therewith and finds, for the reasons stated in the motion, that Plaintiff is entitled to judgment on all claims in the complaint as a matter of law. (ECF Nos. 25, 25-1, 25-2, 25-3, 25-4.) The Court therefore **GRANTS** Plaintiffs' Motion for Summary Judgment and **ENTERS JUDGMENT** against Cavotta Landscapers, Inc. in favor of Plaintiffs for the following:

1. Delinquent fringe benefit contributions for the period May 1, 2012 to May 1, 2013 in the amount of \$13,877.90 under 29 U.S.C. § 1132(g)(2)(A);

2. Interest in the amount of \$4,233.30 calculated to June 15, 2014, plus \$6.85 per day thereafter as long as the judgment remains unpaid under 29 U.S.C. § 1132(g)(2)(B);


3. Statutory interest in the amount of \$4,233.30 calculated to June 15, 2014, plus \$6.85 per day thereafter as long as the judgment remains unpaid under 29 U.S.C. § 1132(g)(2)(C); and

4. Under 29 U.S.C. § 1132(g)(2)(D), court costs in the amount of \$400.00.

The Court also finds that Plaintiff is entitled to reasonable attorneys' fees pursuant to 29 U.S.C. § 1132(g)(2)(D). Plaintiffs are provided fourteen days (14) from the date of this decision to file a brief documenting their attorneys' fees.

IT IS SO ORDERED.

10-7-2014
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE